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13 PHILIPS LUMILEDS LIGHTING COMPANY,
LLC

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION
17

18 EPISTAR CORPORATION,

19 Plaintiff,

20 v.

21 PHILIPS LUMILEDS LIGHTING
22 COMPANY, LLC,

23 Defendant.

24 AND RELATED COUNTERCLAIMS
25
26
27
28

Case No. C-07-5194 CW

**ADMINISTRATIVE REQUEST TO FILE
UNDER SEAL PURSUANT TO CIVIL L.R.
79-5 PHILIPS LUMILEDS LIGHTING
COMPANY'S REPLY IN SUPPORT OF
ITS MOTION FOR SUMMARY
JUDGMENT AND EXHIBITS A-L TO THE
DECLARATION OF MICHAEL J. LYONS
IN SUPPORT OF PHILIPS LUMILEDS
LIGHTING COMPANY'S REPLY IN
SUPPORT OF ITS MOTION FOR
SUMMARY JUDGMENT**

Pursuant to Civil L.R. 79-5, Philips Lumileds Lighting Company, LLC (“Lumileds”) requests the following documents to be filed under seal. These documents are confidential and subject to one or more of the following Protective Orders: (1) the Protective Order entered by the administrative law judge in the ITC Investigation *In the Matter of Certain High-Brightness Light Emitting Diodes and Products Containing Same*, USITC Inv. No. 337-TA-556, attached as Exhibit A to the Declaration of Andrew J. Wu in Support of Philips Lumileds Lighting Company’s Motion to Stay (“Wu Declaration”), filed with this Court on January 31, 2008, with Lumileds’ motion to stay the present litigation; (2) the Stipulated Protective Order in the case *Lumileds Lighting U.S., LLC v. Epistar Corporation*, Case No. 02-5077 CW (EAI) (N.D. Cal.), attached as Exhibit A to the Declaration of Michael Lyons in Support of Lumileds Administrative Request to File Under Seal Lumileds’ Motion for Summary Judgment and Exhibits to the Declaration of Ryan Scher in Support of Lumileds Motions for Summary Judgment in the present litigation [D.I. 61]; and (3) the Protective Order in the case *United Epitaxy Co., Ltd. v. Hewlett-Packard Co.*, No. C00-2518 CW (N.D. Cal.), attached as Exhibit B to the Declaration of Michael Lyons in Support of Lumileds Administrative Request to File Under Seal Lumileds’ Motion for Summary Judgment and Exhibits to the Declaration of Ryan Scher in Support of Lumileds Motions for Summary Judgment in the present litigation [D.I. 61] (collectively, the “Protective Orders”).

1. Philips Lumileds Lighting Company, LLC’s Reply In Support of It Motion for Summary Judgment contains information designated by Lumileds and Epistar Corporation as confidential and subject to one or more of the Protective Orders.

2. Exhibit A to the Declaration of Michael J. Lyons in Support of Philips Lumileds Lighting Company, LLC’s Reply in Support of Its Motion for Summary Judgment is a true and correct copy of relevant portions of the March 27, 2006 deposition transcript of C.C. Lu in the ITC’s investigation *In the Matter of Certain High-Brightness Light Emitting Diodes and Products Containing Same*, USITC Inv. No. 337-TA-556, which was admitted as Complainant’s Exhibit CX 605C in that investigation. This document contains information designated by Epistar Corporation as confidential and subject to one or more of the Protective Orders.

1 3. Exhibit B to the Declaration of Michael J. Lyons in Support of Philips Lumileds
2 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
3 correct copy of a letter dated June 18, 2004 from Michael J. Lyons to Robert C. Weiss, including
4 attachment. This document contains information designated by Lumileds and Epistar
5 Corporation as confidential and subject to one or more of the Protective Orders.

6 4. Exhibit C to the Declaration of Michael J. Lyons in Support of Philips Lumileds
7 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
8 correct copy of emails dated April 26, 2004 from Andrew J. Wu to Lawrence R. LaPorte. This
9 document contains information designated by Lumileds and Epistar Corporation as confidential
10 and subject to one or more of the Protective Orders.

11 5. Exhibit D to the Declaration of Michael J. Lyons in Support of Philips Lumileds
12 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
13 correct copy of a letter dated June 22, 2004 from Andrew J. Wu to Lawrence R. LaPorte. This
14 document contains information designated by Lumileds and Epistar Corporation as confidential
15 and subject to one or more of the Protective Orders.

16 6. Exhibit E to the Declaration of Michael J. Lyons in Support of Philips Lumileds
17 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
18 correct copy of a letter dated June 24, 2004 from Robert C. Weiss to Michael J. Lyons, including
19 attachment. This document contains information designated by Lumileds and Epistar
20 Corporation as confidential and subject to one or more of the Protective Orders.

21 7. Exhibit F to the Declaration of Michael J. Lyons in Support of Philips Lumileds
22 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
23 correct copy of a letter dated June 23, 2004 from Lawrence R. LaPorte to Andrew J. Wu. This
24 document contains information designated by Lumileds and Epistar Corporation as confidential
25 and subject to one or more of the Protective Orders.

26 8. Exhibit G to the Declaration of Michael J. Lyons in Support of Philips Lumileds
27 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
28 correct copy of an email dated April 23, 2004 from Andrew J. Wu to Lawrence R. LaPorte, et. al.,

1 including attachment. This document contains information designated by Lumileds and Epistar
2 Corporation as confidential and subject to one or more of the Protective Orders.

3 9. Exhibit H to the Declaration of Michael J. Lyons in Support of Philips Lumileds
4 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
5 correct copy of a letter dated April 30, 2004 from Robert C. Weiss to Andrew J. Wu. This
6 document contains information designated by Lumileds and Epistar Corporation as confidential
7 and subject to one or more of the Protective Orders.

8 10. Exhibit I to the Declaration of Michael J. Lyons in Support of Philips Lumileds
9 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
10 correct copy of a letter dated May 7, 2004 from Michael J. Lyons to Robert C. Weiss, including
11 attachment. This document contains information designated by Lumileds and Epistar
12 Corporation as confidential and subject to one or more of the Protective Orders.

13 11. Exhibit J to the Declaration of Michael J. Lyons in Support of Philips Lumileds
14 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
15 correct copy of a letter dated May 19, 2004 from Robert C. Weiss to Michael J. Lyons, including
16 attachment. This document contains information designated by Lumileds and Epistar
17 Corporation as confidential and subject to one or more of the Protective Orders.

18 12. Exhibit K to the Declaration of Michael J. Lyons in Support of Philips Lumileds
19 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
20 correct copy of a letter dated June 16, 2004 from Robert C. Weiss to Michael J. Lyons, including
21 attachment. This document contains information designated by Lumileds and Epistar
22 Corporation as confidential and subject to one or more of the Protective Orders.

23 13. Exhibit L to the Declaration of Michael J. Lyons in Support of Philips Lumileds
24 Lighting Company, LLC's Reply in Support of Its Motion for Summary Judgment is a true and
25 correct copy of Epistar Corporation's Responsive Claim Construction Brief filed with the Court
26 on June 18, 2004. This document contains information designated by Lumileds and Epistar
27 Corporation as confidential and subject to one or more of the Protective Orders.

1 Lumileds will lodge the aforementioned documents in hard copy with the Court as well as
2 lodge a redacted version of the Reply in Support of Its Motion for Summary Judgment. This
3 request is supported by the following declaration.

4 For the foregoing reasons, Lumileds requests that the Court order the above documents
5 sealed pursuant to the Protective Order entered by the administrative law judge in the ITC
6 Investigation.

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8 Dated: July 24, 2008

Respectfully Submitted,

9 MORGAN, LEWIS & BOCKIUS LLP

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11 By /s/ Michael J. Lyons

12 Michael J. Lyons
13 Attorneys for Defendant and
Counterclaimant
Phillips Lumileds Lighting Company, LLC

14 I, Michael J. Lyons, declare as follows:

15 1. I am an attorney at the law firm of Morgan, Lewis & Bockius LLP, attorneys for
16 Philips Lumileds Lighting Company, LLC. I am a member in good standing of the Bar of the
17 State of California and admitted to practice in the United States District Court for the Northern
18 District of California. I submit this declaration in support of the above Administrative Request to
19 File Documents Under Seal Pursuant to Civil L.R. 79-5.

20 2. I have personal knowledge of each statement set forth in the Administrative
21 Request to File Under Seal Pursuant to Civil L.R. 79-5, and each such statement is true and
22 correct.

23 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
24 the 24th day of July 2008 in Palo Alto, California.

25 /s/ Michael J. Lyons